

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 7479-7482 OF 2010

RAM PHAL AND ORS. ETC. . . APPELLANT(S)

VERSUS

THE STATE OF HARYANA AND ANR. . . RESPONDENT(S)

WITH CIVIL APPEAL NOS. 7483-7486/2010

CIVIL APPEAL NOS. 7487-7489/2010

CIVIL APPEAL NOS. 7490-7492/2010

CIVIL APPEAL NO. 7493/2010

CIVIL APPEAL NO. 7494/2010

CIVIL APPEAL NO. 7495/2010

CIVIL APPEAL NOS. 7496-7497/2010

CIVIL APPEAL NOS. 7498-7500/2010

CIVIL APPEAL NOS. 7501-7504/2010

CIVIL APPEAL NOS. 7505-7507/2010

CIVIL APPEAL NOS. 7508-7511/2010

CIVIL APPEAL NOS. 7512-7513/2010

CIVIL APPEAL NOS. 9774-9776/2010

Special Leave Petition (C) NO. 31356/2010

Special Leave Petition (C) NO. 32072/2010

Special Leave Petition (C) NO. 34021/2010

CIVIL APPEAL NO. 1075/2011

Special Leave Petition (C) NO. 3876/2011

CIVIL APPEAL NO. 10462/2011

CIVIL APPEAL NOS.4679-4684/2012

Special Leave Petition (C)NO.30727/2012

CIVIL APPEAL NOS.10390-10392/2013

Special Leave Petition (C)NO.2202/2014

Special Leave Petition (C).../2014 (CC NO.13423)

O R D E R

1. Delay, in filing of the Special Leave Petition(s), is condoned.
2. Delay, in filing the application(s) for substitution, if any, is condoned.
3. Application(s) for substitution, if any, is allowed.
4. Application(s) for impleadment, if any, is allowed.
5. Application for deletion of the name of respondent(s) is allowed, at the risk of the petitioner(s)/appellant(s).

All the Civil Appeals
and Special Leave Petitions except
S.L.P. (C)No.2202/2014:

6. We have heard the learned counsel for the parties to the *lis* and also perused the records.
7. We find no merit in these appeals and Special Leave Petitions. Accordingly, the Civil Appeals as well as the Special Leave Petitions are dismissed.

CIVIL APPEAL NO.10870 OF 2014
@ S.L.P. (C)NO.2202/2014:

8. Leave granted.

9. This appeal is directed against the judgment and order passed by the High Court of Punjab and Haryana at Chandigarh in R.F.A. No.468 of 2013 (O&M), dated 05.09.2013, whereby and whereunder the High Court has dismissed the appeal primarily on the ground of delay and laches on the part of the appellant in approaching the Court.

10. Briefly stated, the facts in the instant case are as under: the State Government by a notification issued under Section 4 of the Land Acquisition Act, 1984 (for short, "the Act") sought to acquire the lands in *lis* for the public purpose of development and utilization as a residential, industrial and commercial area, dated 02.03.1994. After due consideration of the objections filed by the claimants under Section 5-A of the Act, the acquiring authority had recommended issuance of a notification under Section 6 of the Act to the State Government. Accordingly, the State Government had issued notification declaring that the said land would be acquired for the notified public purpose, dated 01.03.1994.

11. After issuance of the aforesaid notification, the Land Acquisition Collector (for short, "the LAC") had determined the

compensation payable at Rs.4,00,000/- per acre for Chahi lands and Rs.2,75,000/- per acre Gair Mumkin lands by an award dated 28.02.1996. The claimants, not being satisfied with the compensation so awarded by the LAC, had approached the latter and sought for a reference under Section 18 of the Act to the Civil Court for determination of the actual market value of the land acquired by the State Government. The LAO had referred the case of the claimants to the Reference Court. The Reference Court determined the market value of the acquired land at Rs.178.40 per square yard by order dated 31.08.2002.

12. Being aggrieved by the aforesaid order of the Reference Court, the appellant/claimant had preferred an appeal before the High Court with an application for condonation of delay on the grounds of a *bona fide* mistake. The claimant contended that while the total stretch of land in eighteen petitions filed before the Reference Court belonged to members of the same family and involves similar facts, the seven reference cases out of the said eighteen were decided by the Reference Court in 2001. Since the present case was disposed of by the Reference Court separately in 2002, it was left from being handed over to the counsel for claimant's family and thus, due to a *bona fide* mistake not appealed against until 2012, that is before the case records were inspected. The claimant sought for the condonation of delay in his case on the aforesaid ground and further prayed that since another appeal against the same notification had been admitted by the High

Court, the claimant's appeal also be admitted on the grounds of parity. However, the High Court has rejected the appeal solely on the grounds of delay and laches.

13. Aggrieved by the aforesaid, the appellant/claimant is before us in this appeal.

14. Having heard learned counsel for the parties to the *lis*, we are of the considered opinion that the High Court is not justified in rejecting the appeal only on the ground of delay and laches on the part of the appellant in approaching the High Court due to a *bona fide* mistake. Since, in Civil Appeal Nos.7479-7482 of 2010, which pertains to acquisition of lands under the same Section 4 notification, involving identical facts, as in the instant case, the High Court had granted relief to the other claimants/land-loosers similarly situated as the claimant-herein, in parity the same compensation requires to be awarded to the appellant/claimant.

15. Therefore, while allowing the appeal, we direct the respondent(s) herein to pay compensation at Rs.206/- per sq. yd. of the acquired land alongwith all the statutory benefits, as has

been done in the case of claimants in Civil Appeal Nos.7479-7482 of 2010.

Ordered accordingly.

.....CJI.
(H.L. DATTU)

.....J.
(MADAN B. LOKUR)

.....J.
(A.K. SIKRI)

NEW DELHI;
DECEMBER 04, 2014

ITEM NO.14

COURT NO.1

SECTION IVB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 15009/2011

(Arising out of impugned final judgment and order dated 26/07/2010
in RFA No. 186/1999 passed by the High Court Of Punjab & Haryana
At Chandigarh)

STATE OF HARYANA & ANR

Petitioner(s)

VERSUS

KAMLA & ORS.

Respondent(s)

WITH S.L.P. (C)...CC No. 8339/2012
(With appln.(s) for c/delay in filing SLP and Office Report)S.L.P. (C)...CC No. 8942/2013
(With appln.(s) for c/delay in filing SLP Office Report)S.L.P. (C)...CC No. 9360/2013
(With appln.(s) for c/delay in filing SLP and Office Report)C.A. No. 7479-7482/2010
(With Office Report)C.A. No. 7483-7486/2010
(With Office Report)C.A. No. 7487-7489/2010
(With Office Report)C.A. No. 7490-7492/2010
(With Office Report)C.A. No. 7493/2010
(With Office Report)C.A. No. 7494/2010
(With Office Report)C.A. No. 7495/2010
(With appln.(s) for deletion of the name of respondent and Office
Report)C.A. No. 7496-7497/2010
(With appln.(s) for deletion of the name of respondent and Office
Report)

C.A. No. 7498-7500/2010
(With Office Report)

C.A. No. 7501-7504/2010
(With Office Report)

C.A. No. 7505-7507/2010
(With Office Report)

C.A. No. 7508-7511/2010
(With Office Report)

C.A. No. 7512-7513/2010
(With Office Report)

C.A. No. 9774-9776/2010
(With Office Report)

SLP(C) No. 31356/2010
(With Office Report)

SLP(C) No. 32072/2010
(With Office Report)

SLP(C) No. 34021/2010
(With Office Report)

C.A. No. 1075/2011
(With Office Report)

SLP(C) No. 3876/2011
(With Office Report)

C.A. No. 10462/2011
(With Office Report)

C.A. No. 4679-4684/2012
(With Office Report)

SLP(C) No. 30727/2012
(With Office Report)

C.A. No. 10390-10392/2013
(With Office Report)

SLP(C) No. 2202/2014
(With Office Report)

S.L.P. (C) ...CC No. 13423/2014
(With appln.(s) for c/delay in filing SLP and Office Report)

Date : 04/12/2014 These appeals/petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE A.K. SIKRI

For Petitioner(s) Mr.Manjit Singh, AAG
Mrs.Vivekta Singh, Adv.
for Mr. Kamal Mohan Gupta,Adv.

Mr.V.Giri, Sr.Adv
Mrs. Rekha Palli,Adv.
Mr.A.V.Palli, Adv.

Mr.Jasbir Singh Malik, Adv.
Ms.Usha Rathore, Adv.
Ms.Rekha Singh, Adv.
For Mr. S. K. Sabharwal,Adv.

Mr.Rajat Sharma, Adv.
Mr.Dinesh Verma, Adv.
Dr. (mrs.) Vipin Gupta,Adv.
Mr.Subhashish Bhowmick, Adv.

Mr. Dharam Bir Raj Vohra,Adv. (NP)

Mr. Vineet Bhagat,Adv.

Mr.Vivek Sharma, Adv.
For M/s. Temple Law Firm,Adv.

Mr. Satyendra Kumar,Adv.

Mr. Kaushal Yadav,Adv.

For Respondent(s) Mr.Manjit Singh, AAG
Mrs.Vivekta Singh, Adv.
for Mr. Kamal Mohan Gupta,Adv.

Ms. Naresh Bakshi,Adv.

Dr.Monika Gusain, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Delay, in filing of the Special Leave Petition(s), is condoned.

2. Delay, in filing the application(s) for substitution, if any, is condoned.
3. Application(s) for substitution, if any, is allowed.
4. Application(s) for impleadment, if any, is allowed.
5. Application for deletion of the name of respondent(s) is allowed, at the risk of the petitioner(s)/appellant(s).

SLP(C)No.15009/2011, SLP(C).../2012 CC No.8339, S.L.P.(C).../2013 CC 8942 and SLP(C).../2013 CC No.9360:

Delay condoned.

Dismissed.

All Civil Appeals and SLPs except S.L.P.(C)No.2202/2014:

Dismissed, in terms of the signed order.

C.A.NO.@ S.L.P.(C)No.2202/2014:

Leave granted.

The Civil Appeal is allowed, in terms of the signed order.

(G.V.Ramana)
Court Master

(Vinod Kulvi)
Asstt.Registrar

(Signed order is placed on the file)